

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

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Case No. 2:14-cv-157

Schatzilein Buck)
Plaintiff)
v.)
FairPoint Communications, Inc.)
Defendant)

COMPLAINT

NOW COMES the Plaintiff, Schatzilein Buck, by and through her attorneys Bookchin & Durrell, PC and hereby complains against the Defendant, FairPoint Communications Inc., as follows:

Jurisdiction

1. This Court has jurisdiction pursuant to 28 U.S.C. § 1332(a)(1).

Parties

2. Plaintiff, Schatzilein Buck, is a resident of the Town of Irasburg, County of Orleans and State of Vermont.
3. Defendant, FairPoint Communications Inc., is a Delaware corporation with a principal place of business located in the city of Charlotte, County of Mecklenburg and State of North Carolina.

Factual Background

4. On August 2, 2011, Plaintiff was operating a motor vehicle, to wit, a 2000 Mitsubishi sedan, in a southerly direction along Route 5 in the Town of Irasburg, County of Orleans,

State of Vermont.

5. At the same time, Defendant FairPoint Communications, Inc., by and through its employee James Baker, was operating a motor vehicle, to wit, a 2008 Ford bucket truck, in a different direction.
6. As Plaintiff neared the intersection of Route 5 and Telephone Road at said time and place, Defendant did then drive in front of Plaintiff's motor vehicle, causing Plaintiff to crash into the side of Defendant's truck.

Count I - Negligence

7. While acting within the scope of his employment, Defendant's agent and employee did then and there operate Defendant's motor vehicle in a careless and negligent manner by breaching his duty of care due and owing to Plaintiff as follows:
 - A. by failing to yield to Plaintiff's oncoming vehicle in violation of the standardized rules of diligence and traffic safety adopted under the laws of Vermont;
 - B. by failing to maintain a proper lookout for persons or other vehicles on the highway in violation of the standardized rule of diligence and traffic safety adopted under the laws of Vermont;
 - C. by failing to use reasonable care to avoid colliding with another vehicle on the highway and inflicting injuries on persons on the highway, including the Plaintiff, in violation of the standardized rule of diligence and traffic safety adopted under the laws of Vermont;
 - D. by failing to yield the right-of-way at an intersection, in violation of 23 V.S.A. § 1046;

DOKCHIN & DURRELL, PC
ATTORNEYS AT LAW
TWO SPRING STREET
MONTPELIER, VERMONT
05602
LEPHONE 802-229-9829

438 MAIN STREET
P.O. BOX 530
DERBY, VT 05829
LEPHONE 802-766-2870

- E. by failing to yield the right of way to another vehicle approaching an intersection, in violation of 23 V.S.A. § 1048;
- F. by failing to exercise the degree of ordinary care due and owing to the Plaintiff and other persons upon the highway which a reasonably prudent person would have exercised under the same or similar circumstances.
8. As a direct and proximate result of the aforesaid careless and negligent operation by Defendant's agent and employee, Plaintiff's vehicle struck Defendant's truck with great force and violence, and Plaintiff sustained serious personal injuries to her wrist and spine. Said injuries resulted in past and future physical disabilities, past and future pain and suffering in and about her spine and wrist, as well as past and future emotional and psychological distress, past and future loss of enjoyment of life, past and future lost wages, and other consequential damages including substantial past and future costs and expenses relative to medical examinations, care, treatment, and therapy, medication, and transportation for medical care and therapy.

WHEREFORE, Plaintiff Schatzlein Buck prays for judgment in favor of Plaintiff and against the Defendant in an amount in excess of \$75,000.00 and commensurate with the proof at trial, together with costs of suit and such other relief as may be deemed just by this Honorable Court.

DEMAND FOR TRIAL BY JURY

Plaintiff hereby demands a trial by jury on all issues so triable in this matter.

DATED at Montpelier, Vermont, this 24th day of July, 2014.

SCHATZILEIN BUCK

by:


William L. Durrell, Esq.
Bookchin & Durrell, PC
2 Spring St.
Montpelier, VT 05660
(802) 229-9829
Attorney for Plaintiff

BOOKCHIN & DURRELL, PC
ATTORNEYS AT LAW
TWO SPRING STREET
MONTPELIER, VERMONT
05602
TELEPHONE 802-229-9829

438 MAIN STREET
P.O. BOX 530
DERBY, VT 05829
TELEPHONE 802-766-2870